

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01-05-04

285

AGENDA SECTION:
PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM NO.

E-11

ITEM DESCRIPTION: Zoning District Amendment Petition #03-23 by Kelly and Kristi Madson. The applicants are proposing to re-zone property at 4006 Highway 14 East from H to B-4 to facilitate expansion of commercial lane uses currently occupied by Bob's Construction and rental storage buildings. A General Development Plan is being considered concurrent with this petition.

PREPARED BY:
Theresa Fogarty,
Planner

December 29, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 10, 2003 to consider the zone change request by Kelly and Kristi Madson to zone 7.94 acres to the B-4 (General Commercial) zoning district.

Mr. Josh Johnson of McGhie & Betts, Inc. addressed the Commission and stated that the applicant agrees with the staff-recommended conditions.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings.

**Mr. Burke moved to recommend approval of Zoning District Amendment #03-23 by Kelly and Kristi Madson, with staff-recommended findings. Mr. Ohly seconded the motion.
The motion carried 9-0.**

Planning Department Recommendation:

See attached staff report dated December 5, 2003.

Council Action Needed:

- 1. The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the staff report. If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law.***

Attachments:

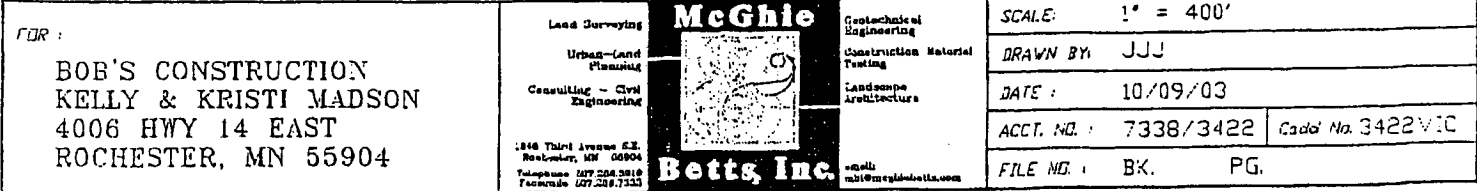
1. Staff Report dated December 5, 2003.
2. Minutes of the December 10, 2003 CPZC Meeting.

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 5, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

750



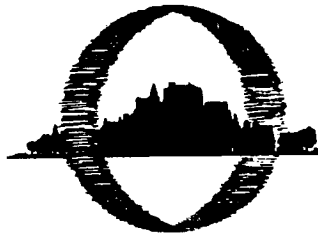
BOB'S CONSTRUCTION
KELLY & KRISTI MADSON
4006 HWY 14 EAST
ROCHESTER, MN 55904

246 Third Avenue S.E.
Rochester, MN 55904
Telephone 612.284.3818
Telex 612.284.7133

Betts Inc.

•മുഖ്യ
മന്ത്രിമാരുടെയും മന്ത്രിമാരുടെയും

FILE NO. BK. PG.



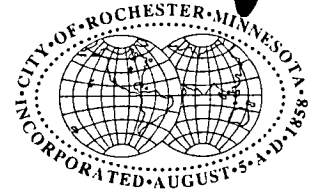
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: December 5, 2003

RE: Zoning District Amendment Petition #03-23 by Kelly and Kristi Madson. The applicants are proposing to re-zone property at 4006 Highway 14 East from H to B-4 to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. A General Development Plan is being considered concurrent with this petition.

Planning Department Review:

Petitioner:	Kelly and Kristi Madson 553 Hastings Lane NW Rochester, MN 55901
Consultant:	McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904
Location of Property:	The property is located at 4006 Highway 14 East, located east of 40 th Avenue SE and south of TH 14 East.
Requested Action:	The applicant requests 7.94 acres of land be rezoned from H (Holding) to B-4 (General Commercial).
Existing Land Use:	This property is the location of Bob's Construction (General property improvements and siding replacement contractor) and rental (mini) storage buildings.
Proposed Land Use:	Expand the existing mini-storage facilities.
Adjacent Land Use and Zoning:	North: Peoples Cooperative Power, along the north side of US Highway 14, zoned M-1 (Mixed Commercial Industrial) on the City of Rochester Zoning Map.



**Adjacent Land Use and
Zoning (Continued):**

South: A platted subdivision, known as The Villas of Valleyside Subdivision, zoned R-2 (Low Density Residential) on the City of Rochester Zoning Map.

West: Zoned Highway Commercial District on the Olmsted County Zoning Map.

East: Unplatted land with a single family dwelling, zoned A-4 (Agricultural Urban Expansion)) on the Olmsted County Zoning Map.

Transportation Access:

Access to this site would be from 40th Avenue SE.

The proposed zone change and general development plan raised some concerns of extra traffic expected from the proposed addition to its current activity. Currently, the intersection of 40th Avenue SE and TH 14 is operating at capacity. It is estimated that approximately 160 additional daily trips may be generated from the proposed additional development.

Given the way the proposed development access on 40th Avenue SE will operate, and working under the assumption that the use will generate relatively low level traffic (160 daily trips), it is expected that the Level of Service at this intersection will meet standards of the LDM. However, if it is decided to further expand or reconstruct the entire site, preparation of a Traffic Impact Report (TIR) shall be prepared as required under Section 61.523 (3a & 3d) of the Land Development Manual.

Future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT encourages the Developer/City of Rochester to construct an access and/or City Street to align with Kelly Lane SE. Mn/DOT strongly recommends these accesses be as far south from Mn/DOT's right-of-way as possible to ensure proper stacking distance.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. There are no hydric soils within this zone change request.

Referral Comments:

1. Rochester Public Works Department
2. MN Department of Transportation
3. Planning Department – Transportation staff

Report Attachments:

1. Proposed Zoning Map / Location Map
2. Referral Comments (3 letters)
3. Neighborhood Meeting notes

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) **The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:**
 - a) **The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;**
 - b) **The area was originally zoned erroneously due to a technical or administrative error;**
 - c) **While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or**
 - D) **The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.**

This property is located within the boundaries of the Rochester Urban Service Area Land Use Plan. Land Use designations within this area are considered to be "Commercial". Rezoning this property to the B-4 (General Commercial) district is consistent with the land use plan and would serve to better further the policies and goals of the Comprehensive Plan. Rezoning the property promotes the development of commercial uses consistent with the Land Use Plan.

- 2) **The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:**
 - a) **the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and**

The B-4 zoning will be appropriate on the subject property and compatible with adjacent properties and the neighborhood.

- b) **the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).**

The proposed amendment does not involve spot zoning since it is consistent with the policies of the Comprehensive Plan.

Staff Recommendation:

Based on the above-mentioned findings, it would appear that this zoning district amendment would meet the above criteria.

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application for General Development Plan #220 & ZONE#03-23 for the Bob's Construction (Kelly & Kristi Madson property). The following are Public Works comments on this request:

1. Grading & Drainage Plan approval is required prior to any new development of this Property. A Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.
2. The GDP narrative indicates utilities being accessed from the South, however the sewer & water available to serve this property is located in 40th Ave SE at the Kelly Ln SE intersection.
3. Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to future pedestrian facilities along the frontages of this Property.
4. Future redevelopment of this property may require the relocation of the access driveway to align directly across 40th Ave SE from Kelly Ln SE.
5. The Owner is obligated to extend utilities across this property to the abutting property to the east. Prior to any additional development / redevelopment of this Property the Owner's obligations will be addressed in a Development Agreement. Execution of a City-Owner Contract is required prior to the construction of any public infrastructure to serve this Property.

Charges/fees applicable to the development of this property are as follows (rates in place through 7/31/04):

- ❖ Water Availability Charge @ \$1851.12 per developable acre
- ❖ Sewer Availability Charge (SAC) @ \$2598.24 per developable acre
- ❖ Watermain Connection Charge – NA, extension of public watermain is required in the future at the Owner's expense.
- ❖ Sanitary Sewer Connection Charge @ \$46.60 per foot x 80.00 feet (minimum connection frontage) = \$3,728.00
- ❖ Storm Water Management – TBD through the Grading Plan review and approval process.
- ❖ Southeast Transportation Improvement District (SE TID) - TBD



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

November 14, 2003

Jennifer Garness
Rochester – Olmsted Planning Department
2122 Campus Drive SE, Suite 100
Rochester, MN 55904

RE: Zoning District Amendment #03-23 and General Development Plan #220 by Kelly and Kristi Madson. The applicants are proposing to rezone property at 4006 US Highway 14 East from H to B-4 to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. The property includes approximately 7.94 acres of land and is located east of 40th Avenue SE and south of US Highway 14 East. US Highway 14, CS 5503

Dear Ms. Garness:

Thank you for the opportunity to review the Zoning District Amendment #03-23 and General Development Plan #220 by Kelly and Kristi Madson. Exhibits show an existing access on 40th Avenue SE.

Mn/DOT encourages the Developer/City of Rochester to construct an access, and/or City Street, to align with the proposed Kelly Lane SE. Mn/DOT strongly recommends these accesses be as far south from Mn/DOT's right of way as possible to ensure proper stacking distance.

Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in black ink, reading 'Dale E. Maul'.

Dale E. Maul
Planning Director

292

Interoffice Memo

Date: 11/19/2003
To: Mitzi Baker, Planner, Brent Svenby, Planner
Cc: Kevin Harms, County Public Works, Mike Nigbur, Rochester City Public Works
From: Muhammad Khan, Transportation Planner
RE: GDP # 220 By Kelly and Kristi Madson (Bob's Construction)

Location

Bob's Constructions, proposes a zone change from H, Holding Zone, to B-4 (general commercial), on approximately 7.94 Acres at their current location along the Trunk Highway 14 east. The rezoning requires the applicant to go through the process of a General Development Plan.

The property is bounded on the west by 40th Avenue SE, Trunk Highway 14 to north, The Villas of Valley Side to the south, and unplatted land to east.

Back Ground Information

MNDOT has begun the process of planning for the upgrade of TH 14 from Rochester to Eyota. Preliminary planning and scoping for an Environmental Impact Statement were completed which identified a long term plan to upgrade TH 14 to a four lane controlled access expressway from the end of the current four lane east of Rochester to CSAH 7 in Eyota. Options that were to be evaluated included developing the upgraded facility on the existing corridor alignment, as well as considering alternate alignments north of TH 14 north of the railroad. One reason the EIS activities had begun was the expectation that a project to replace the railroad underpass east of Chester Woods Park would occur sometime in 2005-2006. However, due to adequate available funding in that time period, the project has been rescheduled for the 2012-2015 period. As a result, MNDOT suspended project development at this time due to a need to focus on projects anticipated to occur in the next 1-3 years.

The Rochester City Capital Improvement Program has listed the projects to install traffic signal at the intersection of TH 14 and 40th Ave NE for 2007 construction year.

Key Traffic Issues

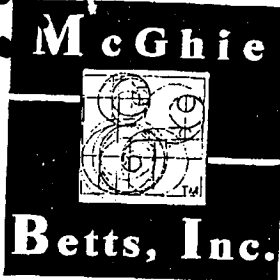
The proposed zone change and GDP request raised some concerns of extra traffic expected from the proposed addition to its current activity. Currently, the intersection of 40th Ave NE and TH 14 is operating at capacity. It is estimated that approximately 160 additional daily trips will be generated from the proposed additional development.

Two major residential developments on 40th Ave are already generating little less than 3,000 daily trips. It is estimated that 95% of the traffic generated by the two residential developments on 40th Ave use the intersection of 40th Ave and TH 14 and only 5% traffic flows through the west using Eastwood Road.

Concerns have been raised in the past about poor sight distance created by the grade of the highway to handle traffic turning onto westbound TH 14 from northbound 40th Ave. Other traffic issues were inside acceleration lane for motorists turning onto TH 14, and queue spacing for left turning lane on 40th Ave NE for westbound traffic. These concerns may be critical if the developers decide to further expand their activity or reconstruct the entire site under B-4 general commercial use.

Summary of Review

- The 40th Ave NE is designated as a Collector Street on the Long Range Thoroughfare Plan. It is recommended that in case of large-scale development in which the average daily traffic level on the collector becomes excessively high, it may be necessary to construct the road to higher design standards than that of collector. A 3000 ADT level has been identified in the publication as the bottom figure for an arterial classification.
- The analysis of the projected traffic volumes does not indicate that overall congestion or delay will be a big problem due to proposed new addition. It is expected that there will be a delay of 20-30 seconds for an opening in the traffic flow on TH 14. The installation of traffic signal at the intersection of 40th Ave NE will improve traffic flows in future.
- Given the way proposed development access on 40th Ave NE will operate, and working under the assumption that the use will generate a relatively low level of traffic (160 daily trips), we expect that the Level of Service at this intersection will meet standards of Land Development Manual. However, if the developers decide to further expand or reconstruct the entire site, the developer under section 61.523 (3a, 3d) of the Rochester City Zoning Ordinance and Land Development Manual shall be required to prepare traffic Impact Report (TIR) to address the significant traffic issues due to the proposed development.



Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

MINUTES OF THE
NEIGHBORHOOD INFORMATIONAL MEETING
FOR
BOB'S CONSTRUCTION
(MADSON PROPERTY)
ON NOVEMBER 18, 2003, 6:30 PM
IN THE SHOWROOM OF BOB'S CONSTRUCTION
4006 HIGHWAY 14 EAST
ROCHESTER, MN

In Attendance: See attached attendance list.

Purpose: The purpose of the meeting was to introduce the proposed project to the neighborhood and to answer any questions and document any concerns or issues that may need to be further investigated.

General Discussion:

The meeting was a very informal discussion in regards to the future expansion of Bob's Construction. Joshua Johnson gave a brief description of what was proposed and opened the floor up to questions and discussion.

Also presented and reviewed by the neighbors was the following support data:

I. Boards:

- a. GDP of the proposed project

Questions and Answers:

- Q. Is the intent that Bob's Construction property will stay commercial?
A. *Yes. The Land Use Plan for the City of Rochester shows it to be commercial and the intent is to leave it that way so that Bob's Construction can remain here.*
- Q. What do you have planned for the east side of the property?
A. *Nothing at this time. The owner is not sure what he would like to do there. The only expansion for now will be another rental storage bay shed to the south of the existing one.*
- Q. I have heard that Highway 14 will be rebuilt to a 4 lane all the way to Eyota and that they will be closing the frontage road that serves the few residential homes and also the proposed L.B. Electric just east of Bob's Construction. We were told that when that happens they will require a frontage road thru the Bob's Construction Property. Do you know anything about this?
A. *I don't know any of the details but have heard the same information. We will have to wait and see what is required for sure when the time comes.*

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946



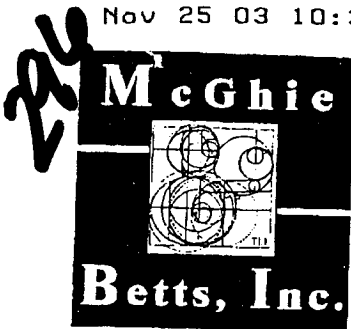
295

This might present a great opportunity for Mr. Madson, The owner, when that time comes. But as for now, no one has contacted the owner about this.

- Q. Do you know when you would be developing the east side of the property?
A. *No. A lot of it kind of depends on the market. The owner may decide that he will need more room for the business in terms of more workshop and storage space or it might work out that more rental storage is needed. No matter what type of development occurs on the rest of the property, as long as it is commercial adjacent to residential there will be a bufferyard of some kind required. The Rochester Zoning Ordinance requires a buffer of some sort between the different types of zoning classifications.*

- Q. Where are the existing city limits?
A. *The limits pretty much surround the property. All of the development to the south and west is in the city and so is the Peoples CO-OP across Highway 14.*

With that we ended the meeting. Some other general discussion took place and the over-all reaction to the project seemed very favorable. The few people that were there understood that it makes sense to leave the property commercial with its location and access to 40th Ave. SE and Highway 14.



Rochester
Minnesota

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919

Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946

Attendance Roll

NEIGHBORHOOD INFORMATIONAL MEETING

PROJECT: Bob's Construction property
Rochester, Minnesota
DATE: November 18, 2003
TIME: 6:30 p.m.
PLACE: Bob's Construction Showroom
4006 Highway 14 East
Rochester, Minnesota

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. Orville Kirkham	3351 MARION RD SE	282-7822
2. Claire Nelson	4135 Mallard Place SE	281-3978
3. Hugh Cooker	4140 Hwy 14 E	282-3713
4. Ruth Cooker	4140 Hwy 14 E	282-3713
5. Larry M. Brown	6556 70th NE	282-5924
6. Kelly Madson	Bob's Construction	288-8319
7. [Signature]	McGhie & Betts, Inc.	289-3919
8.		
9.		
10.		
11.		
12.		
13.		
14.		

297

Mr. Dockter moved to recommend denial of Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow with the staff-recommended findings. Mr. Quinn seconded the motion.

Ms. Petersson stated that she would like to find a way to allow the use.

Ms. Wiesner agreed, but they couldn't based on the Zoning Ordinance.

Mr. Staver stated that Criteria K, listed in the staff report, pertains to general compatibility. It seems compatible to what is occurring on the property, but it is not allowed in the zoning district.

The motion to deny carried 6-3, with Ms. Petersson, Mr. Ohly, and Mr. Staver voting nay.

Mr. Wheeler stated that the Commission could initiate a zone change for the property.

Ms. Baker stated that there is an R-3 zoning district adjacent to the property. There would be more staff support for the R-3 zoning district. If there is a means for them to do a design modification, staff can look at that. Another alternative is that they can go through an Incentive Development Conditional Use Permit. It seems as though they have been upgrading the property. Perhaps they would need to intensify their landscaping.

Mr. Wheeler suggested that the Commission wait to see how the City Council acts on the current request.

Zoning District Amendment #03-23 AND General Development Plan #220 by Kelly and Kristi Madson. The applicants are proposing to re-zone property at 4006 Highway 14 East from H (Holding) to B-4 (General Commercial) to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. The property includes approximately 7.94 acres of land and is located east of 40th Ave. SE and south of TH 14 East.

Ms. Mitzi A. Baker presented the staff report, dated December 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Josh Johnson, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant agrees with the staff-recommended conditions. He stated that they would work with MnDOT when it comes to the access onto 40th Avenue.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Zoning District Amendment #03-23 by Kelly and Kristi Madson with the staff-recommended findings. Mr. Ohly seconded the motion. The motion carried 9-0.

Mr. Burke moved to recommend approval of General Development Plan #220 by Kelly and Kristi Madson with the staff-recommended findings and conditions. Mr. Ohly seconded the motion. The motion carried 9-0.

CONDITIONS:

1. The GDP shall be revised:

- a) Changing CO RD 144 SE / 40th AVE SE to "40 Ave SE (CO RD 144)".
2. The anticipated Level of Service at intersection of Bob's Construction and 40th Avenue SE will meet the standards of the LDM. Any future expansion or reconstruction of the entire site shall require completion of a Traffic Impact Report (TIR) as required under Section 61.253 (3a & 3b) of the LDM. In addition, future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT strongly recommends these access be as far south from Mn/DOT's right-of-way as possible to ensure proper stacking distance.
3. Execution of a Pedestrian Facilities Agreement shall be required addressing the Owner's obligation related to future pedestrian facilities along the frontages of this property.
4. Grading and Drainage Plan approval is required prior to any new development of this property. A Storm Water Management fee shall apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.
5. The water system shall be extended through this property to the NE side per RPU-Water Division requirements providing for a planned looped system to serve this and the adjoining properties to the east.
6. Prior to any additional development / redevelopment of this property, the Owner's obligations shall be addressed in the Development Agreement with the City.
7. On-site fire hydrants shall be added to this property prior to any additional construction on the property being approved.

Amendment to General Development Plan #132 known as Volunteers of America Senior Housing by Volunteers of America. The Applicant is proposing to amend the approved GDP by changing the types of housing units on the property mostly in the westerly half of the property. The property is located along the north side of 55th Street NW and along the west side of 18th Avenue NW.

AND

Incentive Development Conditional Use Permit #03-60 by Volunteers of America. The applicant is proposing to develop a 4 story congregate housing building with 200 units on their property. The location of the building is just east and south of the detention pond on the property. The property is located along the north side of 55th Street NW and along the west side of 18th Avenue NW.

Mr. Brent Svenby presented the staff reports, dated December 4, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the landscape plan was submitted after the packet was distributed. Prior to submitting a final plan for the incentive development, the applicant will need to submit a detailed landscaping plan listing the types of planting materials and exact location, as well as